

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Mleczkowski	Team: Squad #15	CCRB Case #: 201409827	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/15/2014 11:42 PM	Location of Incident: § 87(2)(b)	Precinct: 84	18 Mo. SOL 3/15/2016	EO SOL 3/15/2016	
Date/Time CV Reported Mon, 09/15/2014 10:55 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/24/2014 3:21 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Justin Beiger	18257	951536	HBK IRT
2. SSA Marshall Winston	04109	913724	HBK IRT
3. POM Kenny Idowu	12385	952878	HBK IRT
4. POM Christian Sherlock	27122	955481	HBK IRT
5. Officers			HBK IRT
6. An officer			HBK IRT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ronald Kempinski	24260	952925	HBK IRT
2. POM Christoph Cambrelen	01300	952532	HBK IRT

Officer(s)	Allegation	Investigator Recommendation
A.POM Justin Beiger	Abuse: PO Justin Beiger stopped § 87(2)(b)	§ 87(2)(b)
B.POM Kenny Idowu	Force: PO Kenny Idowu struck § 87(2)(b) with a police radio.	§ 87(2)(b)
C.POM Justin Beiger	Force: PO Justin Beiger used physical force against § 87(2)(b)	§ 87(2)(b)
D. An officer	Discourtesy: An officer spoke rudely to § 87(2)(b)	§ 87(2)(b)
E.SSA Marshall Winston	Discourtesy: Sgt. Marshall Winston spoke rudely to § 87(2)(b)	§ 87(2)(b)
F.SSA Marshall Winston	Abuse: Sgt. Marshall Winston threatened to arrest § 87(2)(b)	§ 87(2)(b)
G. Officers	Abuse: Officers refused to provide their shield numbers to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On September 15, 2014, at 11:42 p.m., § 87(2)(b) walked through Bridge Park in Brooklyn § 87(2)(b).

§ 87(2)(b) noticed a police vehicle nearby, containing four officers identified via investigation as PO Justin Beiger, PO Ronald Kempinski, PO Kenny Idowu and PO Christian Sherlock of the Brooklyn Borough Housing Impact Response Team and all four officers exited. PO Beiger asked § 87(2)(b) for his identification, with which § 87(2)(b) complied (**Allegation A**). PO Beiger then swiped § 87(2)(b) identification card in a hand-held machine and the officers then stated “You’re coming with us,” however the officers did not explain the reason.

The officers then pushed § 87(2)(b) against a nearby gate and handcuffed § 87(2)(b). Next, PO Idowu allegedly hit § 87(2)(b) with his radio on the right side of his head (**Allegation B**). PO Beiger then punched § 87(2)(b) on the right side of his face once (**Allegation C**). § 87(2)(b) sustained a bump and bleeding to the right side of his forehead as a result, for which he did not seek medical attention.

Next, an officer who remains unidentified allegedly told § 87(2)(b) “Get the fuck away, mind your own business” (**Allegation D**). An officer, identified via investigation as Sgt. Marshall Winston of the aforementioned command, allegedly told § 87(2)(b) who was deemed uncooperative during the investigation, “Mind your own fucking business before you get arrested” (**Allegations E and F**). § 87(2)(b) then allegedly requested the officers’ shield numbers, however they never provided her with that information (**Allegation G**). § 87(2)(b) was subsequently arrested as a result of the incident and charged with § 87(2)(b).

Civil, Mediation and Criminal Histories

As of February 20, 2015, which is past the 90-day filing deadline, § 87(2)(b) had not filed a notice of claim in regards to this incident (encl. O16). On June 2, 2015, a follow-up request was made with the NYC Comptroller’s Office in order to determine if § 87(2)(b) filed a notice of claim in regards to this incident. These results will be added to the case file upon receipt (encl. O26-O29).

This case was ineligible for mediation due to § 87(2)(b) arrest and the injury that he sustained as a result of the incident.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. B6); this is the first complaint involving § 87(2)(b) (encl. B7).
- PO Beiger has been a member of the service for two years and this is the first CCRB complaint that has been filed against him (encl. B1).

- PO Idowu has been a member of the service for two years and this is the first CCRB complaint that has been filed against him (encl. B2).
- PO Sherlock has been a member of the service for one year and this is the first CCRB complaint that he has been involved in (encl. B3).
- Sgt. Winston has been a member of the service for 24 years and there are no substantiated CCRB allegations against him (encl. B4-B5). In CCRB case number 200300648, a refusal to provide name and shield allegation pled against him was closed by the Board as unfounded; in 200904028 the same allegation pled against him was closed by the Board as unsubstantiated. In case numbers 200811157, 200911535, 201211223 discourtesy allegations against him were closed by the Board as unsubstantiated; in case number 200913313 a discourtesy allegation against him was closed as complainant uncooperative; in case number 201409826 a discourtesy allegation against him was closed as complainant unavailable.

Civilian Statements:

Complainant/Victim: § 87(2)(b) (encl. D1-D7)

- § 87(2)(b) was walking through Bridge Park, § 87(2)(b)
- Four officers, identified via investigation as PO Beiger, PO Kempinski, PO Idowu and PO Sherlock, approached § 87(2)(b). PO Beiger asked § 87(2)(b) for his identification, which § 87(2)(b) provided. PO Beiger swiped § 87(2)(b) identification card into a hand-held machine and then said something into his radio, which § 87(2)(b) could not recall.
- All of the officers then stated “You’re coming with us” and § 87(2)(b) responded “For what?” however none of the officers explained the reason. All of the officers pushed § 87(2)(b) onto a nearby gate chest-first and handcuffed him. While he was being handcuffed, he cooperated and did not move his body. Once handcuffed, § 87(2)(b) moved and wiggled his body, and in response the officers again pushed § 87(2)(b) against the gate, however they did not state anything to him.
- PO Idowu then hit § 87(2)(b) with his radio on the right side of his head. § 87(2)(b) believes that PO Idowu did so because he was moving too much, however PO Idowu never told him why. PO Beiger then punched § 87(2)(b) once on the right side of his face. Next, all of the officers told § 87(2)(b) to cooperate and then § 87(2)(b) stopped moving his body.
- Twenty people were watching this incident from a nearby building, with numerous individuals yelling “Leave him alone!” § 87(2)(b) insisted to the officers that he had not done anything wrong. The officers were telling the bystanders to back up, however they did not listen. PO Kempinski alleged to § 87(2)(b) at the scene of the incident that § 87(2)(b) spit on him, which he denied and insisted that he did not have any physical contact with him.
- § 87(2)(b) was placed within a police vehicle and transported to the Police Service Area (PSA) 3 stationhouse, where his arrest was processed. § 87(2)(b) was charged with resisting arrest, violating an unspecified local law and harassment.
- § 87(2)(b) noted that he sustained a bump and bleeding to his head as a result of this incident, for which he did not seek medical attention.

Victim: § 87(2)(b) (encl. D9)

- § 87(2)(b) solely provided an unverified statement to the CCRB. She is § 87(2)(b) neighbor.
- § 87(2)(b) saw § 87(2)(b) standing with three officers, identified via investigation as PO Beiger, PO Kempinski and PO Idowu, in front of § 87(2)(b).
- § 87(2)(b) then entered the lobby of her residence and suddenly heard yelling emanating from outside, so she exited. § 87(2)(b) screamed "What are you doing, let go! What did I do?" PO Idowu and PO Kempinski had § 87(2)(b) bent over the fence, so that his buttocks was in the air. PO Beiger then walked around the fence and punched § 87(2)(b) in the face.
- § 87(2)(b) was screaming towards the three officers and an unspecified officer, one of the aforementioned three, responded "Get the fuck away, mind your own business." § 87(2)(b) told the officers "What you did is fucking wrong. What are you punching him in the face for?"
- § 87(2)(b) then requested to speak with a sergeant and subsequently Sgt. Marshall Winston arrived, who told § 87(2)(b) "Mind your own fucking business before you get arrested." § 87(2)(b) requested the shield numbers of a number of unspecified officers, which they never furnished.

Officer Statements:

Subject Officer: PO JUSTIN BEIGER (encl. H4-H10)

- PO Beiger and PO Kempinski were in their police vehicle patrolling, when they both observed § 87(2)(b) walking in Bridge Park at 11:42 p.m., after dusk.
- PO Beiger and PO Kempinski exited their vehicle and while § 87(2)(b) was in front of § 87(2)(b), PO Kempinski told § 87(2)(b) to stop, however he continued walking. PO Beiger and PO Kempinski then shined their flashlights towards § 87(2)(b) and he stopped.
- PO Beiger stopped § 87(2)(b) for failing to comply with park rules, since there were signs posted in the park indicating that the park closed at dusk. PO Beiger asked § 87(2)(b) for his identification either two or three times, and § 87(2)(b) stated "Why?" and appeared agitated. § 87(2)(b) eventually furnished his identification. Via telephone, PO Kempinski conducted a warrant check, which confirmed that § 87(2)(b) had an active warrant.
- PO Kempinski informed § 87(2)(b) that he had an active warrant and that he had to go with the officers. § 87(2)(b) stated "No" and flailed his arms by tossing them, pulling them away from him and placing them against his body, resisting arrest.
- When the officers tried to handcuff him, § 87(2)(b) spit in PO Kempinski's mouth. Because of this action, PO Beiger punched § 87(2)(b) with his hand, either in the back or side of his head. PO Beiger could not recall which side of § 87(2)(b) head he punched. § 87(2)(b) eventually complied with being handcuffed and the officers escorted him into a van.
- Once § 87(2)(b) was handcuffed, PO Beiger noticed a large crowd comprising 15 or 20 people exiting the building who were yelling. PO Kempinski then called for additional units. Approximately six or eight additional officers arrived, although PO Beiger could not recall which command they were from or their names.
- Sgt. Winston subsequently arrived and verified the arrest. § 87(2)(b) was charged with resisting arrest, violating an unspecified local law and harassment. PO Kempinski and PO

Beiger then transported § 87(2)(b) to the PSA 3 stationhouse. PO Beiger could not recall if § 87(2)(b) complained of being in pain at any point during this incident.

- PO Beiger stated that § 87(2)(b) was not hit in the head with a radio during this incident. PO Beiger was presented with § 87(2)(b) arrest photograph (encl. D8) and he stated that he did not know how the lump on the right side of § 87(2)(b) head, which was visible in the arrest photograph, was sustained. PO Beiger did not observe any injuries to § 87(2)(b) during this incident.

Witness Officer: PO RONALD KEMPSKI (encl. F1-G2)

- While in their police van, PO Kempinski and PO Beiger observed § 87(2)(b) who was walking inside of Bridge Park 2, a park that closes at dusk.
- PO Kempinski and PO Beiger both exited their vehicle while § 87(2)(b) was across the street, alone, in front of § 87(2)(b). PO Kempinski yelled “Stop!” but § 87(2)(b) did not turn around. PO Kempinski then shined his flashlight towards § 87(2)(b) and repeated for him to stop, and § 87(2)(b) complied.
- PO Kempinski and PO Beiger both requested § 87(2)(b) identification twice and § 87(2)(b) asked why he was being stopped. PO Kempinski explained to § 87(2)(b) that he was stopped for his violation of being in Bridge Park 2 after dusk. § 87(2)(b) gave the officers his identification upon their third request. The officers then called their command in order to conduct a warrant check, which found that § 87(2)(b) had an active warrant.
- The officers informed § 87(2)(b) that he had to place his hands behind his back to be transported to the precinct because of an active warrant. § 87(2)(b) took his hands out of his pockets and flailed them in an up and down motion as if he was going to hit the officers.
- A struggle ensued while § 87(2)(b) stood a foot away from a fence. PO Kempinski gave § 87(2)(b) verbal commands to stop resisting and to give his hands to the officers. During the struggle, the officers and § 87(2)(b) all fell into the fence. § 87(2)(b) was leaning into the fence and his front torso was pressed into the fence.
- § 87(2)(b) spit into PO Kempinski’s mouth and then PO Beiger punched § 87(2)(b) once, somewhere on his head, at which point the officers gained compliance from and handcuffed him.
- While § 87(2)(b) was being handcuffed, two officers, identified via investigation as PO Idowu and PO Sherlock, tried to assist PO Kempinski and PO Beiger. However PO Idowu and PO Sherlock stood behind PO Kempinski and PO Beiger, and PO Kempinski could not recall if they made physical contact with § 87(2)(b).
- As PO Beiger and PO Kempinski walked § 87(2)(b) into the police van, a crowd gathered and PO Kempinski called for additional units. Other than this time, none of the officers had a radio in their hands. The crowd had an angry demeanor and numerous people were yelling “Why are you arresting him?”
- Sgt. Winston later arrived, verified the arrest, and § 87(2)(b) was transported to the PSA 3 stationhouse. PO Kempinski lodged § 87(2)(b) at the command, where § 87(2)(b) cried, complained that his head hurt and that he had a lump on his head.
- Despite being presented with the arrest photograph of § 87(2)(b) PO Kempinski maintained that he did not observe any physical injuries to § 87(2)(b) during this incident. He stated that he did not know how § 87(2)(b) sustained the injury to the upper right side of his head, which is photographed in his arrest photo (encl. D8).

- PO Kempski did not, and he did not see any officers, hit § 87(2)(b) in his head with a radio.

Subject Officer: PO KENNY IDOWU (encl. J1-J6)

- PO Idowu was in front of § 87(2)(b), facing Bridge Park when he noticed § 87(2)(b) walk through Bridge Park with PO Beiger and PO Kempski trying to stop him. The officers told PO Idowu “Stop this kid” and PO Idowu told § 87(2)(b) that the officers were trying to stop him. He eventually stopped in front of § 87(2)(b).
- PO Beiger then approached § 87(2)(b) and began to have a conversation with him. PO Idowu heard the officers ask § 87(2)(b) why he was in the park and PO Beiger informed him that he had a warrant. Once § 87(2)(b) was stopped, many civilians exited § 87(2)(b) and screamed towards the officers.
- PO Idowu described § 87(2)(b) demeanor as initially calm, however he then acted “crazy” once he was informed that he had an active warrant. Either PO Beiger or PO Kempski told § 87(2)(b) to turn around and place his hands behind his back and § 87(2)(b) began to spin in circles, in order to evade arrest. § 87(2)(b) did not place his hands behind his back, instead he flopped them around, back and forth in the air.
- PO Beiger attempted to handcuff § 87(2)(b) and PO Idowu could not recall which portions of § 87(2)(b) body PO Beiger came in contact with. PO Idowu assisted in handcuffing § 87(2)(b) and made physical contact with him; however he could not recall which portions of his body he made contact with. PO Idowu could not recall if PO Kempski made physical contact with § 87(2)(b) while officers were trying to handcuff him.
- PO Beiger eventually handcuffed one of § 87(2)(b) hands and PO Idowu could not recall who handcuffed the other hand.
- PO Idowu did not have his radio in his hand while he was attempting to handcuff § 87(2)(b). PO Idowu did not hit § 87(2)(b) in his head with his radio and PO Idowu could not recall if any other officers did this action.
- A radio run for additional units was placed, however PO Idowu could not recall who placed the call. Additional officers responded (he could not recall if it was before or after the handcuffing), whose names PO Idowu could not recall.
- PO Idowu could not recall if § 87(2)(b) complained that he was in pain and he could not recall if he observed any injuries to him.
- PO Idowu was presented with § 87(2)(b) arrest photograph (encl. D8). The undersigned investigator highlighted the apparent lump to the upper, right-hand side of his face and PO Idowu could not recall how that injury was sustained.

Subject Officer: PO CHRISTIAN SHERLOCK (encl. K1-K5)

- PO Sherlock was standing on the side of § 87(2)(b) when he heard yelling. PO Sherlock was unable to decipher any statements from this yelling. When PO Sherlock went to where the screaming originated, he saw that an angry crowd of 10-15 individuals had formed and was yelling loudly, so PO Sherlock dispersed the crowd.
- PO Sherlock observed that § 87(2)(b) was handcuffed, with PO Beiger and PO Kempski nearby; while an officer, possibly PO Beiger, placed him within a police van. PO Sherlock stood 10-20 feet away from the police van at this point. PO Sherlock did not hear if § 87(2)(b) made any statements and he did not observe any injuries to him. PO Idowu was also at the scene and Sgt. Winston arrived later.

- PO Sherlock was not informed by any officers of what transpired with § 87(2)(b) prior to his arrival. PO Sherlock was presented with § 87(2)(b) arrest photograph (encl. D8). He stated that he did not observe a lump or bruising to § 87(2)(b) forehead during this incident.

Witness Officer: PO CHRISTOPHER CAMBRELEN (encl. I1-I5)

- Sgt. Winston and PO Cambren received a radio run from PO Kempinski that he needed an Operation Impact sergeant at § 87(2)(b).
- Sgt. Winston and PO Cambren subsequently arrived and observed that § 87(2)(b) was handcuffed and in the back seat of a police van.
- Sgt. Winston spoke with PO Beiger and PO Kempinski while PO Cambren watched § 87(2)(b) for a minute, standing immediately near the back door, which was ajar. § 87(2)(b) had an attitude and cursed while within the van; PO Cambren could not recall the statements that § 87(2)(b) made. PO Cambren did not observe any injuries to § 87(2)(b) and he did not complain of being in pain.
- PO Cambren was not informed by any officers of what transpired with § 87(2)(b) prior to his arrival.

Subject Officer: SGT. MARSHALL WINSTON (encl. E2-E7)

- Sgt. Winston and PO Cambren responded to a radio run of an officer in need of assistance at § 87(2)(b).
- PO Beiger informed Sgt. Winston that he arrested § 87(2)(b) who was handcuffed and in a van. He did not make any statements and he had a calm demeanor. A crowd was dispersing and people were yelling.
- PO Kempinski and PO Beiger informed Sgt. Winston that § 87(2)(b) had an active warrant and was apprehended after being in Bridge Park after dusk. They added that § 87(2)(b) spit in PO Kempinski's mouth. PO Beiger and PO Kempinski noted that they had to use force, which they did not describe, to apprehend him because he fought and swung at the officers. PO Kempinski nor PO Beiger informed Sgt. Marshall that they hit § 87(2)(b) in the head with their radios.
- PO Kempinski and PO Beiger subsequently transported § 87(2)(b) to the PSA 3 stationhouse. Sgt. Winston then went to the stationhouse, where he saw § 87(2)(b) near the front desk. Sgt. Winston did not observe any injuries to him.

Potential Issues

Attempts to obtain Video Footage for § 87(2)(b)

On October 16 and December 31, 2014, the undersigned investigator mailed two subpoenas in order to obtain video footage for the incident location. On March 3, 2015, the undersigned investigator contacted § 87(2)(b) of the New York City Housing Department Law Department, who stated that she did not have a record of the mailed subpoenas. She stated that video footage is typically kept for 14-21 days and as of the date of this telephone call, this time frame had passed. Therefore, the CCRB was unable to obtain or view any such video footage.

Fieldwork

On October 28, 2014, the undersigned investigator, Inv. Harold Rodriguez and former Investigator Lorena Michelin conducted fieldwork for this case at § 87(2)(b) and Bridge Park 2. The undersigned investigator posted please call letters in the vicinity of the

aforementioned locations. Additionally, the undersigned spoke with § 87(2)(b) who stated that she was returning home from an ethnic festival with her children when she witnessed this incident. § 87(2)(b) noted that she was unable to provide a sworn statement at that time, however the undersigned provided her with the CCRB's contact information in order to schedule a sworn statement.

On May 5, 2015, SI Edwin Peña conducted fieldwork at the incident location for the purpose of determining if Bridge Park in Brooklyn has any signs posted indicating its hours of operations.

The fieldwork revealed that when walking on Prospect Avenue towards Bridge Street, there is an entrance into "Bridge Park 2." This park is geared towards children and it has multiple park benches. This park has another entrance located at the corner of Prospect Avenue and Bridge Street. § 87(2)(b). The park has a visible sign located at its entrance indicating that it closes at dusk (encl. B11).

The fieldwork also revealed that on the same side of the street as § 87(2)(b) § 87(2)(b) the entrance to "Bridge Park 3" is located. Within "Bridge Park 3," there is only one basketball hoop and there are no park benches within this section. At the entrance of "Bridge Park 3," there is a sign that clearly indicates that this particular section of the park closes at "12 A.M." (encl. B13).

Attempts to contact § 87(2)(b)

The undersigned investigator left a please call voice message for § 87(2)(b) on October 28, 2014. § 87(2)(b) scheduled CCRB interviews for November 12 and 24, 2014, both of which she failed to attend without any prior notice to the undersigned. Missed appointment letters were mailed to her after both of these scheduled appointments. As of the date of this report, § 87(2)(b) has not contacted the CCRB in order to reschedule a sworn statement.

Photographs of § 87(2)(b) Injury

On November 5, 2014, § 87(2)(b) emailed two photographs of his head injury to the undersigned investigator (encl. D5-D6), which depicts a linear cut to the right side of § 87(2)(b) § 87(2)(b) forehead. However, the undersigned was unable to ascertain when these photographs were taken because § 87(2)(b) has been uncooperative as of the date of this report.

NYPD Documentation

Event Summary D14091526412

The aforementioned documentation notes that on September 15, 2014 at 11:35 p.m., officers assigned to Post 26 of Brooklyn Borough Housing Impact Response Team were assigned to visibility patrol at § 87(2)(b) (encl. L8-L10).

Event Summary § 87(2)(b)

The aforementioned documentation notes that on September 15, 2014 at 11:42 p.m., an anonymous woman, identified via investigation as § 87(2)(b) dialed 911 and stated that a man was punched in the face by a police officer at § 87(2)(b) (encl. L11-L13).

§ 87(2)(b) **Arrest Report**

The aforementioned documentation notes that on September 15, 2014 at 11:42 p.m., § 87(2)(b) was observed within a park in front of § 87(2)(b) after dusk. Upon further investigation, it was determined that § 87(2)(b) had an active arrest warrant under docket # § 87(2)(b). Upon officers trying to place § 87(2)(b) under arrest, § 87(2)(b) resisted arrest by flailing his arms and pulling his arms away, refusing to be handcuffed. § 87(2)(b) spit into PO Kempski's mouth and § 87(2)(b) refused medical attention (encl. H1-H3). § 87(2)(b) was charged with § 87(2)(b). The report confirms that force was used but it does not indicate the type of force used or the reason.

§ 87(2)(b) **Arrest Photograph**

The aforementioned photograph captures a red lump to the right, upper portion of § 87(2)(b) forehead (encl. D8). There are no signs of a cut, laceration or abrasion and there is no blood on his clothing. Also, he is not wearing a gauze pad or Band-Aid.

September 15, 2014, Brooklyn Borough Housing Impact Response Team Roll Call

The aforementioned documentation notes that PO Beiger was assigned to Farragut Road and 27 Gold Street and PO Kempski was assigned to Farragut Road and 23 Gold Street. PO Idowu and PO Sherlock were assigned to a fixed post at § 87(2)(b). Sgt. Marshall Winston was assigned to Whitman Street, Ingersoll Road, Farragut Road, Albany Avenue and Weeksville; PO Christopher Cambrelen was assigned as Sgt. Winston's driver (encl. L14-L20).

PO Justin Beiger's Statement, Regarding Injury to PO Ronald Kempski

The aforementioned documentation notes that on September 15, 2014, at 10:42 p.m., § 87(2)(b) spit bodily fluids into PO Kempski's mouth (encl. L21).

September 15, 2014, Brooklyn Borough Housing Impact Response Team Command Log Entry

The aforementioned documentation notes that on September 15, 2014, at 11:41 p.m., PO Beiger arrested § 87(2)(b) in front of § 87(2)(b). His physical/mental condition was listed as "apparently normal" (encl. L22).

Finding and Recommendations

Identification of Subject Officers

§ 87(2)(g)

§ 87(2)(b) described the officer who struck him in his head with a police radio as a black man, 5'6" tall, in his 40s, with a muscular build and a moustache. According to the NYPD Single Officer Photographs of PO Beiger, PO Kempski and PO Idowu, they are all light-skinned white men. According to PO Cambrelen's NYPD Single Officer Photograph, he is a § 87(2)(b)-old, tanned-skinned Hispanic man, 200 pounds, with an average build and 6' tall. The pedigree information listed for the aforementioned officers does not correspond to that of the subject officer of this allegation. Sgt. Winston's NYPD Single Officer Photograph notes that he is a § 87(2)(b)-year-old black man, 180 pounds, with a heavy build and 5'8" tall. The physical build of Sgt. Winston does not correspond to that of this subject officer, who had a muscular build. PO Idowu's NYPD Single Officer Photograph lists that he is a § 87(2)(b)-old black man, 160 pounds,

with an average build and 5'6" tall. § 87(2)(g)

§ 87(2)(b) stated in her unverified statement that an unspecified officer told her, "Get the fuck away, mind your own business." § 87(2)(g)

§ 87(2)(b) described the officer who threatened to arrest her and used profanity against her as a black man, with a heavy build, 5'5" tall, in his 40s and uniformed. PO Idowu's NYPD Single Officer Photograph lists that he is a § 87(2)(b)-old black man, 160 pounds, with an average build and 5'6" tall. While the pedigree information listed in PO Idowu's photograph somewhat corresponds to the physical description of this subject officer, there are several reasons why the investigation identified that the subject officer of this allegation is actually Sgt. Winston. According to Sgt. Winston's NYPD Single Officer Photograph, he is a § 87(2)(b)-old black man, 180 pounds, with a heavy build and 5'8" tall, which closely corresponds to § 87(2)(b) description of this subject officer. Additionally, § 87(2)(b) stated that this officer was a "housing sergeant," which directly corresponds to Sgt. Winston's assignment as a supervisor of the Brooklyn Borough Housing Impact Response Team at the time of the incident. § 87(2)(g)

§ 87(2)(b) stated that she requested a number of officers' shield numbers, however they did not provide her with this information. § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

While § 87(2)(b) alleged that he informed the officers that his handcuffs were too tight, he never alleged that they were re-fastened or fastened tightly to intentionally cause pain. § 87(2)(g)

Allegation A- Abuse of Authority: PO Justin Beiger stopped § 87(2)(b)

At 11:42 p.m., § 87(2)(b) walked in Bridge Park after dusk. PO Beiger requested § 87(2)(b) identification and the officers then ran his name for active warrants, which yielded positive results. PO Beiger and PO Kempinski testified that § 87(2)(b) walked in the park after dusk, despite that there were signs that stated that individuals are not permitted in the park after dusk.

§ 87(2)(b) explicitly stated that he was walking in Bridge Park, located § 87(2)(b) at dusk. The fieldwork revealed that "Bridge Park 2" is located § 87(2)(b). This park has a sign indicating that it closes at dusk (encl. B11).

According to New York Penal Law § 140.10 (a), a person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in a building or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders (encl. A9).

§ 87(2)(g)

Allegation B- Force: PO Kenny Idowu struck § 87(2)(b) with a police radio.

§ 87(2)(b) alleged that PO Idowu hit him with his police radio on the right side of his head once he was handcuffed.

PO Kempinski and PO Beiger both noted that they did not witness any officers hit § 87(2)(b) with a police radio. PO Idowu also denied hitting § 87(2)(b) on his head with a radio. According to the officers, the only point that an officer held a radio during this incident was when PO Kempinski requested that additional officers respond via radio.

Sgt. Winston and PO Cambrelen arrived after § 87(2)(b) was placed in a police van. PO Sherlock arrived at the scene while § 87(2)(b) was being placed in a police van. Sgt. Winston and PO Sherlock both stated that § 87(2)(b) did not make any statements; PO Cambrelen could not recall § 87(2)(b) statements. Sgt. Winston, PO Cambrelen and PO Sherlock all stated that they did not observe any injuries to § 87(2)(b).

§ 87(2)(b) arrest photograph (which was taken on September 10, 2014) captures a red lump on the right, upper portion of § 87(2)(b) forehead (encl. D8). The photographs that § 87(2)(b) sent to the CCRB on November 5, 2014, captured a one-inch linear laceration to his right, upper forehead (encl. D5-D6). Due to § 87(2)(b) subsequent lack of cooperation with the CCRB, the investigation was unable to establish when these photographs were taken.

It is undisputed that § 87(2)(b) sustained injuries to his right, upper forehead at some point during the incident. However, § 87(2)(b) did not seek medical attention for the laceration to his right, upper forehead. § 87(2)(g)

Allegation C- Force: PO Justin Beiger used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Beiger punched him once on the right side of his face.

PO Kempinski and PO Beiger both stated that § 87(2)(b) resisted arrest by flailing his arms and that he spit into PO Kempinski's mouth. PO Kempinski stated that PO Beiger punched § 87(2)(b) somewhere on his head; PO Beiger stated that he punched § 87(2)(b) either in the back or side of his head.

Sgt. Winston and PO Cambrelen arrived after § 87(2)(b) was placed in a police van. PO Sherlock arrived at the scene while § 87(2)(b) was being placed in a police van. Sgt. Winston

and PO Sherlock both stated that § 87(2)(b) did not make any statements; PO Cambren could not recall § 87(2)(b) statements. Sgt. Winston, PO Cambren and PO Sherlock all stated that they did not observe any injuries to § 87(2)(b)

§ 87(2)(b) arrest photograph captures a red lump on the right, upper portion of § 87(2)(b) forehead (encl. D8). The photographs that § 87(2)(b) sent to the CCRB captured a one-inch linear laceration to his right, upper forehead (encl. D5-D6). Due to § 87(2)(b) lack of cooperation with the CCRB, the investigation was unable to establish when these photographs were taken.

NYPD Patrol Guide Procedure 203-11 states that officers can use the minimal force necessary to effect an arrest of a violent or resisting individual (encl. A3-A4).

§ 87(2)(g)

[REDACTED]

Allegation D- Discourtesy: An officer spoke rudely to § 87(2)(b)

Allegation E- Discourtesy: Sgt. Marshall Winston spoke rudely to § 87(2)(b)

Allegation F- Abuse of Authority: Sgt. Marshall Winston threatened to arrest § 87(2)(b)

Allegation G- Abuse of Authority: Officers refused to provide their shield numbers to

§ 87(2)(b)

§ 87(2)(b) alleged in an unverified CCRB statement that an unspecified officer told her "Get the fuck away, mind your own business." § 87(2)(b) alleged that an officer identified via investigation as Sgt. Winston told her "Mind your own fucking business before you get arrested." § 87(2)(b) then requested the officers' shield numbers; however they never provided her with that information. § 87(2)(b) did not raise these allegations in his statements to the CCRB.

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date